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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,518	12/15/2005	Christian Danz	10191/3931	1880
26646 7590 10/01/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
HOF'SASS, JEFFERY A				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
10/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,518

Applicant(s)

DANZ ET AL.

Examiner

JEFFERY A. HOFSSASS

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The PTO regrets the delay in responding to applicant's response filed Jan. 14, 2008.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Desens et al [US 6,097,314] (Desens).

Desens discloses a parking aid for a vehicle, comprising:

a) *a measuring unit configured to detect parking spaces as the vehicle travels past the parking spaces;*

Note fig. 1, #102+ of Desens.

b) *a memory unit to store properties of the parking spaces; and*

Note col. 3, line 52, to col. 4, line 2. Note that col. 3, lines 65 and 66, discuss "stored data". That will be sufficient to meet the claim's recitation of "store properties".

c) *an output unit to output information about the parking spaces*

Note col. 3, line 35 to col. 4, line 2.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desens as applied to claim 8 above, and further in view of Betzitza et al [6,265,968] (Betzitza).

Claim 9 recites that at "least one" of various measurements are displayed. Desens teaches a display on col. 5, lines 4-8, for displaying the measurements of the parking space. Desens' disclosure to this point however is rather brief, although it would have been obvious to one skilled in the vehicle display art that displays are capable of displaying any signal related to the vehicle operation or its surroundings. Literally thousands of patents teach various aspects of signals and distances being displayed to the vehicle operator and at locations remote from the vehicle. For example, military vehicles have displays for every data point on their vehicle and that information can easily be sent back to their command station.

Betzitza on col. 6, lines 1-6, teaches determining the length of the parking spaces and determines whether there it is sufficient space for the vehicle to park. Inherently that means that Betzitza is using the vehicle dimensions and measuring the parking spot dimensions to determine if the vehicle will fit.

In view of the combined teaching it would have been obvious to the one of ordinary skill in this art to include a display on the car to provide information whether the car would fit into the parking space.

Claim 14 add no limitations which weren't considered above.

6. Claims 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desens as applied to claim 8 above, and further in view of Dutta et al [2002/0161520] (Dutta).

Claim 10 is directed to the properties of multiple parking spaces, claim 11 is directed to deleting the memory data after the vehicle moves a predefined distance from the parking space, and claim 13 recites that the display is triggered by the operation of at least one operating element.

Re claim 10, Dutta teaches in paragraph 0027 that the vehicle display simultaneously shows the status of multiple parking spots and includes an easy visible color overlay so that vacant spots can be distinguished from full spots. Clearly, a display of the full/empty status of a parking space meets the display of the "property" of the parking spot.

Re claim 11, Dutta, in figure 8 and paragraph 0063, teaches that if the vehicle leaves the current metropolitan area, then parking information is updated. If the information is updated, then previously stored information is routinely deleted.

Re claim 13, Dutta, in paragraph 0061, teaches that the parking information is requested by the vehicle and transmitted to it from a central station. Dutta thus teaches "an operating element" in the vehicle and a display in the vehicle (paragraph 0027).

It would have been obvious that the combined teachings of Desens and Dutta teach a vehicle display which provides information of the availability of a

parking spot including erasing the information once the vehicle moves far enough away from the parking space. It would be impracticable to maintain parking space information once the vehicle leaves the area. Unlike a map system where one might like to store the trip or route information, it would have been obvious that, since parking spaces continuously fill and empty, only the most current parking space availability information is of any value. Likewise, if a vehicle is traveling in an area, the driver would obviously want status information on multiple spaces in the area since the driver would want to park in the one most easily accessible and closest to the ultimate destination.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desens et al.

Claim 12 tracks the speed above and below a predetermined level.

Desens in col. 5, line 8, measures the speed and recognizes when the vehicle is going too fast. Obviously, if the vehicle is going too fast, it will not be able to slow down fast enough to prepare for parking without potentially causing an accident with other vehicles. So, Desens essentially warns the driver about parking safety if driving at high speed. Alerting the driver about parking availability at low speed would have been obvious. If the driver is alerted that the speed is too high to park, the absence of the alert obviously means that the speed is below the predetermined unsafe level.

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 14 is rejected under 35 U.S.C. 112, first paragraph.

Claim 14 is considered to be a single means claim. A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor. MPEP 2164.08(a).

While claim 14 does not specifically recite the word "means", the display output unit relies on functional terms rather than structure or material to describe performance of the claimed function. See Al-Site, 174 F. 3rd at 1318, 50 USPQ2d at 1167.

10. Any inquiry concerning this communication should be directed to JEFFERY A. HOFSSASS at telephone number (571)272-2981.

jjg
/Jeff Hofssass/

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Supervisory Patent Examiner, Art Unit 2612